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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058909
Party	Defendant Fashion One Television LLC
Correspondence Address	FASHION ONE TELEVISION LLC 246 WEST BROADWAY NEW YORK, NY 10013 UNITED STATES Gabriel@fashionone.co,
Submission	Answer
Filer's Name	Gabriel Miller
Filer's e-mail	gabriel@fashionone.com
Signature	/s/ Gabriel Miller
Date	04/29/2014
Attachments	Answer to Petition for Cancellation.pdf(86964 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3482166

Mark: FASHIONONE

Issued: August 5, 2008

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Cancellation No. 92058909

FASHION TV Programmgesellschaft mbH,

Petitioner

v.

FASHION ONE TELEVISION LLC,

Registrant

**ANSWER TO PETITION FOR CANCELLATION AND**  
**AFFIRMATIVE DEFENSES**

Registrant, FASHION ONE TELEVISION, LLC, (“Registrant”), respectfully submits its Answer to the Petition for Cancellation (“Petition”) filed by FASHION TV Programmgesellschaft mbH (“Petitioner”) in the above-referenced matter. Registrant denies any allegations not expressly admitted and responds to the Petition as follows:

In response to the opening un-numbered Paragraph, registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Petitioner is a limited liability company organized and existing under the laws of Austria, having a principal place of business at Wasagasse 4, A-1090 Wien, Austria, and therefore denies this allegation. Registrant denies the Petitioner is being or will be damaged by United States Trademark Registration No. 3,482,166.

In response to the numbered Paragraphs of the Petition, Registrant states as follow:

1. Registrant is without knowledge or information sufficient to form a belief as to Paragraph 1 of the Petition and therefore denies same.

2. Registrant admits the allegations of Paragraph 2 of the Petition.

3. Registrant admits the allegations of Paragraph 3 of the Petition.

4. Registrant admits the allegations of Paragraph 4 of the Petition.

5. Registrant admits the allegations of Paragraph 5 of the Petition.

6. Registrant admits the allegations of Paragraph 6 of the Petition.

7. Registrant admits that Mr. Jeffrey W. Berkman filed the Statement of Use in connection with its pending application, on November 27, 2007, but otherwise denies the allegations of Paragraph 7 of the Petition.

8. Registrant denies the allegations of Paragraph 8 of the Petition, but otherwise the document speaks for itself.

9. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 9 of the Petition.

10. Registrant admits that the specimen was filed in support of its Statement of Use but otherwise denies the allegations in Paragraph 10 of the Petition.

11. Registrant denies the allegations of Paragraph 11 of the Petition.

12. Registrant admits that the photograph is of model Sandra Bakker but otherwise denies knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and therefore denies the same.

13. Registrant denies the allegations of Paragraph 13 of the Petition.

14. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and therefore denies the same.

15. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and therefore denies the same.

16. Registrant denies the allegations of Paragraph 16 of the Petition.

17. Registrant denies the allegations of Paragraph 17 of the Petition.

18. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and therefore denies the same.

19. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 19 of the Petition.

20. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and therefore denies the same.

21. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 21 of the Petition.

22. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and therefore denies the same.

23. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 23 of the Petition.

24. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 24 of the Petition.

25. Registrant denies the allegations of Paragraph 25 of the Petition.

26. Registrant denies the allegations of Paragraph 26 of the Petition.

27. Registrant denies the allegations of Paragraph 27 of the Petition.

28. Registrant denies the allegations of Paragraph 28 of the Petition.

29. Registrant admits that Deena Levy Weinhouse filed the declaration on August 12, 2005 but otherwise denies the allegations of Paragraph 29 of the Petition.

30. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and therefore denies the same, but otherwise the document speaks for itself.

31. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 31 of the Petition.

32. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore denies the same.

33. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and therefore denies the same.

34. Registrant denies the allegations of Paragraph 34 of the Petition.

35. Registrant admits that registration for the mark FASHIONONE was issued in August 2008 but otherwise denies the allegations of Paragraph 35 of the Petition.

36. Registrant denies the allegations of Paragraph 36 of the Petition.

37. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 37 of the Petition.

38. Registrant admits that Mr. Jeffrey W. Berkman filed the Statement of Use on November 27, 2007, but otherwise denies the allegations of Paragraph 38 of the Petition.

39. Registrant admits that Mr. Jeffrey W. Berkman filed the Statement of Use on November 27, 2007, but otherwise denies the allegations of Paragraph 39 of the Petition.

40. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 40 of the Petition.

41. Registrant denies the allegations in Paragraph 41 of the Petition.

42. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 42 of the Petition.

43. Registrant denies the allegations of Paragraph 43 of the Petition.

44. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore denies the same.

45. Registrant denies the allegations of Paragraph 45 of the Petition.

46. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 46 of the Petition.

47. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 47 of the Petition.

48. Registrant lacks knowledge as to Petitioner's information and belief but otherwise denies the allegations of Paragraph 48 of the Petition.

49. Registrant denies the allegations of Paragraph 49 of the Petition.

50. Registrant avers that Paragraph 50 sets forth legal conclusions, to which no response is required. To the extent that any response is required as to any allegations of Paragraph 50, such allegations are denied.

51. Registrant denies the allegations of Paragraph 51 of the Petition.

52. Registrant avers that Paragraph 52 sets forth irrelevant legal conclusions, to which no response is required. To the extent that any response is required as to any allegations of Paragraph 52, such allegations are denied.

### **AFFIRMATIVE DEFENSES**

1. Petitioner has not and will not be damaged by the Registrant's mark for FASHIONONE and therefore lacks standing to petition to cancel the registration.
2. Petitioner is barred from seeking cancellation of the Registrant's trademark under the doctrines of laches, prior registration, waiver, fraud and unclean hands.
3. Petitioner has acquiesced in Registrant's adoption, registration and use of the FASHIONONE mark that is the subject of this Petition.

**WHEREFORE**, Registrant prays that Petition for Cancellation be dismissed in its entirety and with prejudice, and that the prayer for relief contained therein be denied.

DATED: April 29, 2014

Respectfully submitted,

/s/ Gabriel Miller  
Gabriel Miller, Esq.  
General Counsel  
FASHION ONE TELEVISION LLC  
246 West Broadway  
New York, New York 10013  
Phone (212) 203-8244

*Attorney for Registrant*  
*Fashion One Television LLC*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3482166

Mark: FASHIONONE

Issued: August 5, 2008

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Cancellation No. 92058909

FASHION TV Programmgesellschaft mbH,

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FASHION ONE TELEVISION LLC,

Registrant

**CERTIFICATE OF SERVICE**

A true and correct copy of the Registrant's **ANSWER** has been served on counsel  
for the Petitioner via first class mail as follows:

Raymond J.Dowd  
Justin T. Kelton  
Dunnington, Bartholow & Miller LLP  
1359 Broadway, Suite 600  
New York, New York 10018

Dated: April 29, 2014

/s/ Samantha Garibaldi  
Samantha Garibaldi